

# **EXHIBIT B**



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## AMERISOURCE HID 'PILLBILLIES' EMAIL IN OPIOID MDL, ATTYS SAY

By Jeff Overley

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Law360 (May 22, 2020, 8:48 PM EDT) -- AmerisourceBergen Drug Corp. violated its discovery duties in multidistrict opioid litigation by not promptly producing key documents, including an internal email chain that joked about "pillbillies" abusing painkillers, plaintiffs attorneys told an Ohio federal judge.

In a blistering motion late Thursday, attorneys for local government plaintiffs charged that AmerisourceBergen, a major drug distributor, delayed its production of important records during initial proceedings in Ohio federal court, where the MDL is centralized, and thereby limited evidence in cases that have recently been remanded elsewhere.

According to Thursday's motion, a review of records produced before and after last year's settlement of the MDL's first bellwether cases has created "reason for grave concern regarding [the company's] compliance with the spirit and letter of discovery rulings."

The motion called for "immediate judicial intervention" to reopen discovery, not allow belated disclosures to be marked confidential and apply sanctions for "conduct deemed to be intentional defiance of this court's authority."

Although most of the allegedly tardy disclosures are apparently confidential for the time being, the plaintiffs attorneys filed on the MDL's public docket one of the disclosures: an email chain from 2011 in which high-ranking AmerisourceBergen officials shared lyrics set to the tune of the theme song in "The Beverly Hillbillies" television show.

"Come and listen to a story about a man named Jed," the lyrics said. "A poor mountaineer, barely kept his habit fed."

The lyrics went on to mention "hillbilly heroin," a term for the potent opioid oxycodone, which has cut a devastating path of addiction across the U.S., especially in rural America. The lyrics also mentioned "a bevy of pillbillies" and described people traveling to Florida to purchase opioid painkillers unlawfully.

Julie Eddy, director of state government affairs at AmerisourceBergen, replied at one point in the chain by writing, "I sent this to you a month or so ago — nice to see it recirculated." Eddy added a smiling emoji at the end of her email.

"Putting aside, for now, the pejorative nature of the parody, the date of this email is important," Thursday's motion said, referring to the email chain. "By 2011, the senior management of [AmerisourceBergen's] regulatory compliance possessed actual knowledge of interstate diversion of prescription opioids into the illicit market. This is a tacit admission of plaintiffs' 'pill migration' theory, which [AmerisourceBergen] opposed on both factual and legal grounds."

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**From:** Tomkiewicz, Joseph  
**Sent:** Friday, April 22, 2011 12:12 PM  
**To:** Hazewski, Edward; Kreutzer, Kevin; Breitmayer, David  
**Subject:** Saw This And Had To Share It...

*To the Tune of The Beverly Hillbillies*

Come and listen to a story about a man named Jed  
A poor mountaineer, barely kept his habit fed,  
Then one day he was lookin at some tube,  
And saw that Florida had a lax attitude.  
About pills that is, Hillbilly Heroin, "OC,"

Well the first thing you know ol' Jed's a drivin South,  
Kinfolk said Jed don't put too many in your mouth,  
Said Sunny Florida is the place you ought to be  
So they loaded up the truck and drove speedily.  
South, that is.  
Pain Clinics, cash 'n carry.  
A Bevy of Pillbillies!

Well now its time to say Howdy to Jed and all his kin.  
And they would like to thank Rick Scott fer kindly invitin them.  
They're all invited back again to this locality  
To have a heapin helpin of Florida hospitality  
Pill Mills that is. Buy some pills. Take a load home. Y'all come back now, y'hear?

Thanks,  
Joe Tomkiewicz  
Corporate Investigator  
AmerisourceBergen  
Corporate Security & Regulatory Affairs

Plaintiffs attorneys in multidistrict opioid litigation are accusing AmerisourceBergen of flouting discovery obligations by not disclosing an internal email that described recreational users of painkillers as "pillbillies."

The motion summarized the contents of other late disclosures. They allegedly include an email exchange related to opioid addiction risks in children and a presentation to AmerisourceBergen's board of directors in 2012 about diversion of prescription opioids for illicit uses.

"The plaintiffs are challenging whether certain documents that AmerisourceBergen has already produced in various cases around the country should have been produced earlier in the [MDL's first bellwether] cases," the company told Law360 in a statement Friday. "AmerisourceBergen stands by its document productions and will file a response at the appropriate time."

Thursday's filing specifically cited pending MDL bellwether cases in West Virginia federal court. Additional bellwethers against AmerisourceBergen and other opioid distributors are ongoing in California and Oklahoma federal courts.

Comments by top brass at other drug companies about recreational users of narcotic painkillers have previously made headlines during the current wave of opioid litigation. Last year, for example, a court filing by the Massachusetts attorney general said that former Purdue Pharma LP Chairman Richard Sackler **blamed drug users** for OxyContin addiction.

"[We] have to hammer on the abusers in every way possible," Sackler wrote, according to the filing. "They are the culprits and the problem. They are reckless criminals."

The MDL is In re: National Prescription Opiate Litigation, case number 1:17-md-02804, in the U.S. District Court for the Northern District of Ohio.

--Editing by Kelly Duncan.

## **The Palm Beach Post** **REAL NEWS STARTS HERE**

### **Cerabino: State's chance to halt pill mills wastin' away**

**By Frank Cerabino**

**Feb 23, 2011**

The new tourism marketing plan for Florida is taking shape.

As you may have read in my Sunday column, Kentucky's Lt. Gov. Daniel Mongiardo says he'd like his state to put billboards at the highway entrances to Florida to announce "Welcome to the Oxy-tourism Capital of the World."

Mongiardo, who is also a surgeon, says Florida's foot-dragging in creating a prescription drug database has made the state a destination of drug-addicted tourists from his state and elsewhere. While most states have a prescription drug databases that thwart addicts in their efforts to get multiple prescriptions of OxyContin and other painkillers, Florida Gov. Rick Scott has announced he won't implement a state law signed by the previous governor that would set up the monitoring program aimed at stopping the alarming spread of pill mills, particularly in South Florida.

A song will say it better than signs

Scott says his reluctance is due to privacy concerns, and that the state would eventually have to pay for a prescription database, even though it would be initially funded with a federal grant and private donations.

But Mongiardo and others say that the database, which has proven to be effective in other states, would save lives, especially in Florida, where seven people a day die due to overdoses of prescription drugs.

I say, this calls for a healthy dose of shaming.

If Kentucky follows through with its Florida billboards, that would be a good first step.

But being labeled as the Oxy-tourism capital on a few billboards at the Alabama and Georgia state lines may not be enough. It might take something more pervasive to embarrass our new governor into imagining that it might not always be best to eliminate government oversight, regulations and workers at any cost.

Lucky for us, one of my readers came up with a plan.

“Jimmy Buffett suddenly popped into my head,” Bill Underwood wrote me. “You should write a song based on his Margaritaville tune.”

Margaritaville. OxyContinville. This just might work.

Cue the band:

Headin’ for strip malls  
Drivin’ till night falls  
All of these tourists, carrying cash  
Lookin’ for pill mills  
For phantom back ills  
Gettin’ in line for my Florida stash  
Wastin’ away again in OxyContinville  
Searchin’ for my last doctor to shop  
Some people claim that there’s a gov’nor to blame  
But I’m glad, he’s just a corporate sop.  
I drove from Kentucky  
Hoped to get lucky  
Stockpiling meds for me and for you  
They’re a real measure  
Of drug-dealer treasure  
How I’ll drive home, I haven’t a clue  
Wastin’ away again in OxyContinville  
Searchin’ for my last doctor to shop  
Some people claim that there’s a gov’nor to blame  
But I’m glad, he’s just a corporate sop.

Next step would be to get somebody to sing the parody of Buffett’s iconic song.

It should be a special person, a celebrity from Florida with a recognizable voice, political sway and an authoritative dose of experience.

Are you warming up, Rush Limbaugh?

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